

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X
4 JASMINE BRIDGEMORTH, DELANO BROADUS,
5 and DAVID FAIRFAX,

6 PLAINTIFFS,

7 -against-

8 Case No.:
9 16-CV-273(WHP)

10 CITY OF NEW YORK, NYPD OFFICER JOHN ZERAFA, Tax No. 919893,
11 individually, NYPD Officer RAFAEL SANCHEZ, Shield No.
12 12327, individually, NYPD Officer MOHAMMED KHANG, Shield
13 No. 18729, individually, NYPD Sergeant DEMETRIUS LEE,
14 Shield No. 3087, individually, NYPD Deputy Inspector LUIS
15 DESPAIGNE, Individually, and JOHN/JANE DOE POLICE OFFICERS,
16 1 - 5, individually,

17 DEFENDANTS.

18 -----X
19 DATE: June 22, 2017

20 TIME: 2:47 P.M.

21 EVIDENCE INSPECTION in the above-entitled
22 matter, held at the offices of the New York City Law
23 Department, 100 Church Street, New York, New York 10007,
24 before Karen R. Aniboli, a Notary Public of the State of
25 New York.

1 A P P E A R A N C E S:

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4 LAW OFFICE OF RYAN LOZAR
Attorneys for the Plaintiffs
5 JASMINE BRIDGEFORTH, DELANO BROADUS,
and DAVID FAIRFAX
6 305 Broadway, 10th Floor
New York, New York 10007
7 BY: RYAN LOZAR, ESQ.

8

9 ZACHARY W. CARTER, ESQ.
CORPORATION COUNSEL
10 NEW YORK CITY LAW DEPARTMENT
Attorneys for the Defendants
11 CITY OF NEW YORK, NYPD OFFICER JOHN ZERAFA, Tax No.
919893, individually, NYPD Officer RAFAEL SANCHEZ,
12 Shield No. 12327, individually, NYPD Officer
MOHAMMED KHANG, Shield No. 18729, individually, NYPD
13 Sergeant DEMETRIOUS LEE, Shield No. 3087,
individually, NYPD Deputy Inspector LUIS DESPAIGNE,
14 individually, and JOHN/JANE DOE POLICE OFFICERS,
1 - 5, individually
15 100 Church Street
New York, New York 10007
16 BY: ELIZABETH BARDAUSKIS, ESQ.
Law Manager #: 2016-002378
17 Control #: 166253

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1 P O L I C E O F F I C E R R A F A E L S A N C H E Z,
2 called as a witness, having been first duly sworn by a
3 Notary Public of the State of New York, was examined and
4 testified as follows:

5 MS. BARDAUSKIS: We'll state at the very
6 beginning that we're all present today for the
7 inspection of the handwritten pieces of paper and
8 postcard-type fliers, which were vouchered
9 October 10, 2014, in relation to the underlying
10 incident. And so we'll start with Officer
11 Sanchez opening the envelope.

12 MR. LOZAR: Do you mind if I ask, so, we
13 talked about that this is not a deposition.
14 Basically, if you could explain to us, I don't
15 know where you picked it up and the kind of like
16 the numerical identifiers on the envelope so we
17 understand what they mean to the extent you do
18 know. Sort of the explain the custody and stuff.

19 MS. BARDAUSKIS: In addition, I will ask him
20 basic foundation questions just to establish that
21 it is what we're purporting it is.

22 Let the record reflect, Officer Sanchez is
23 opening the envelope related to the NYPD PETS
24 property clerk, Invoice Voucher Number
25 1000562052.

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1 Then, Officer Sanchez, for Mr. Lozar's sake
2 and the sake of the record, if you could briefly
3 explain what is on the outside, exterior of the
4 envelope.

5 MR. LOZAR: We started with one envelope,
6 we'll start with that one, what is on the
7 exterior of that and go to the second envelope
8 inside.

9 THE WITNESS: This plastic security envelope
10 numbered 1202189412, is the repackaged envelope
11 that occurred on March 4, 2015, for Invoice
12 Number 1000562052. The second envelope numbered
13 1201542154 is the original plastic security
14 envelope vouchered on October 10, 2014, for
15 Invoice Number 100562052.

16 MR. LOZAR: Can I ask, the repackaged
17 envelope on the March 4, 2015, date, was
18 something that was, that you repackaged?

19 THE WITNESS: Yes. It was repackaged to
20 maintain the integrity of the --

21 MR. LOZAR: Original envelope?

22 THE WITNESS: The contents of the envelope
23 and the original envelope, because it was opened
24 previously.

25 MR. LOZAR: It was opened on the March 4,

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1 2015, date?

2 THE WITNESS: Correct. And in regards to an
3 ACS court case with an Elizabeth Barillo
4 (phonetic).

5 MS. BARDAUSKIS: Officer Sanchez, not to
6 delay the suspense, I realize you cannot
7 necessarily authenticate the contents inside of
8 the envelope, but with respect to the voucher
9 itself, I would like, for the record, to have
10 Officer Sanchez authenticate that it is, in fact,
11 a record that's made in the ordinary course of
12 business. I am speaking specifically about
13 Voucher Number 1000562052; is that correct,
14 Officer Sanchez?

15 THE WITNESS: Yes.

16 MS. BARDAUSKIS: Was this voucher prepared
17 by you specifically?

18 THE WITNESS: Yes.

19 MS. BARDAUSKIS: And was the voucher
20 prepared at or around the time of the event that
21 it records?

22 THE WITNESS: Yes.

23 MS. BARDAUSKIS: And with respect to the
24 date and location of the contents inside, can you
25 state when and where you first found these

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1 documents or the contents I should say?

2 THE WITNESS: Let me borrow the -- the Item
3 Number 1, which is the handwritten pieces of
4 paper that was located in the bedroom of the
5 apartment. And Item Number 2, the postcard type
6 fliers, those were found in the window sill of
7 the living room.

8 MS. BARDAUSKIS: And my last question,
9 Officer Sanchez, do you have personal knowledge
10 as to the contents listed on the voucher itself?

11 THE WITNESS: Yes.

12 MS. BARDAUSKIS: Thank you.

13 MR. LOZAR: Can I ask, sorry, one thing I'm
14 curious about, if you don't know tell me, there
15 is an invoice number on the voucher and there is
16 also the PETS numbers, and how do the PETS
17 numbers work in terms of chain of custody issues,
18 if they do?

19 THE WITNESS: The invoice number is the
20 invoice which dictates what property or items
21 were vouchered. The PETS numbers are these
22 plastic security envelopes, and it records what
23 it was packed into. And the narrative on the
24 bottom dictates if an item was unpacked or
25 repacked.

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1 MR. LOZAR: I see. And so in terms of the
2 PETS numbers, we have two plastic bags with us
3 today, does one of them correspond to the PETS
4 Number 1202189412, and the second one corresponds
5 to the other number, which is 1201542154?

6 THE WITNESS: The bottom number with the
7 dash, which is the Security Envelope 1201542154,
8 due to the dash indicates that it is packed in to
9 the top number, which is Security Envelope
10 1202189412.

11 MR. LOZAR: I understand. One other
12 question. In the marked section where you've
13 described there is notes about, you know, when
14 something is, I don't know, moved or opened, the
15 numbers in the left, what are those numbers, what
16 do they mean, if you know?

17 THE WITNESS: Under the remarks section to
18 the left, the first set of numbers is a tax
19 identification number, followed by the date,
20 followed by the time.

21 MR. LOZAR: I see. Understood. Okay. Very
22 good. That's all of the questions I have.

23 Do you want to narrate this? I'm fine
24 observing, for the record, that there is four
25 items in the envelope, two of which are postcard

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1 sized pieces of paper, and then and a third item
2 is a sheet of regular sized loose leaf paper,
3 it's kind of torn out of a notebook, you can see
4 the spiral edges. The fourth item is another
5 lined sheet of paper, but it's half size, I don't
6 know, three inches by five inches. I don't know
7 if that's right, but it's actually the same size
8 of the postcard items, and the four loose leaf
9 sheets of paper thing.

10 MS. BARDAUSKIS: I don't intend on narrating
11 of what each document says. I'll let you in
12 inspect them.

13 MR. LOZAR: Do you have a copy machine that
14 we can use? I don't think I need to take photos
15 of these things.

16 MS. BARDAUSKIS: I'm happy to make copies
17 for you.

18 MR. LOZAR: Let's make copies.

19 MSS. BARDAUSKIS: And I can go some way of
20 affixing a Bates number, however you would like
21 to do it. We're not marking these things as
22 exhibits but I will do that. Shall I go and mark
23 them as certain Bates numbers first?

24 MR. LOZAR: Actually, I'm totally
25 comfortable if you run and get some tape, if you

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1 want. You could make copies of these things and
2 when you come back I'll decide if I want to take
3 any photos of them, but copies will probably be
4 fine.

5 MS. BARDAUSKIS: I'll mark them with tape
6 and Bates numbers and I will make copies at the
7 same time or do you want me to just make copies?

8 MR. LOZAR: Just make copies because if
9 we'll seal the envelope just sign on top of it.

10 Off the record.

11 (Whereupon, an off-the-record discussion was
12 held.)

13 MR. LOZAR: So now we've had a chance to
14 take a look at the four documents inside of these
15 bags that Officer Sanchez was good enough to
16 bring. Turns out we don't have a piece of tape
17 to reseal the bags, but from Plaintiff's
18 perspective, it's fine, Officer Sanchez has
19 represented that he will do that for us.

20 Is that okay with you, Miss Bardauskis?

21 MS. BARDAUSKIS: That's perfectly fine.

22 Thank you.

23 In closing, I don't know if we already
24 stated for the record that Plaintiff has since
25 obtained copies of the original contents of the

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1 envelope.

2 MR. LOZAR: Agreed. Thank you.

3 (Whereupon, at 3:22 P.M., the Evidence
4 Inspection was concluded.)

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I hereby certify that having been first duly
sworn to testify to the truth, I gave the above testimony.

I FURTHER CERTIFY that the foregoing transcript
is a true and correct transcript of the testimony given by
me at the time and place specified hereinbefore.

RAFAEL SANCHEZ

Subscribed and sworn to before me
this ____ day of _____ 20__.

NOTARY PUBLIC

SANCHEZ

C E R T I F I C A T E

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STATE OF NEW YORK)

: SS.:

4

COUNTY OF KINGS)

5

6

7

I, KAREN R. ANIBOLI-KOPANYI, a Notary Public

8

for and within the State of New York, do hereby certify:

9

That the witness whose examination is

10

hereinbefore set forth was duly sworn and that such

11

examination is a true record of the testimony given by that

12

witness.

13

I further certify that I am not related to any

14

of the parties to this action by blood or by marriage and

15

that I am in no way interested in the outcome of this

16

matter.

17

IN WITNESS WHEREOF, I have hereunto set my hand

18

this 26th day of June 2017.

19

Karen R. Aniboli-Kopany

20

KAREN R. ANIBOLI-KOPANYI

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1	ANIBOLI-KOPANYI (2) - 12:7, 12:20 another (1) - 8:4 apartment (1) - 6:5 around (1) - 5:20 ask (4) - 3:12, 3:19, 4:16, 6:13 Attorneys (2) - 2:4, 2:10 authenticate (2) - 5:7, 5:10	concluded (1) - 10:4 contents (8) - 4:22, 5:7, 5:24, 6:1, 6:10, 9:25 Control (1) - 2:17 copies (3) - 8:16, 8:18, 9:1, 9:3, 9:6, 9:7, 9:8, 9:25 copy (1) - 8:13 CORPORATION (1) - 2:9 correct (3) - 5:2, 5:13, 11:7 correspond (1) - 7:3 corresponds (1) - 7:4 COUNSEL (1) - 2:9 COUNTY (1) - 12:4 course (1) - 5:11 COURT (1) - 1:1 court (1) - 5:3 curious (1) - 6:14 custody (2) - 3:18, 6:17	enough (1) - 9:15 entitled (1) - 1:17 envelope (18) - 3:11, 3:16, 3:23, 4:4, 4:5, 4:7, 4:9, 4:10, 4:12, 4:14, 4:17, 4:21, 4:22, 4:23, 5:8, 7:25, 9:9, 10:1 Envelope (2) - 7:7, 7:9 envelopes (1) - 6:22 ESQ (3) - 2:7, 2:9, 2:16 establish (1) - 3:20 event (1) - 5:20 EVIDENCE (1) - 1:17 Evidence (1) - 10:3 examination (2) - 12:9, 12:11 examined (1) - 3:3 exhibits (1) - 8:22 explain (3) - 3:14, 3:18, 4:3 extent (1) - 3:17 exterior (2) - 4:3, 4:7
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Signature: _____

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